

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2172.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	September 16, 2004
DATE OF REPORT:	October 15, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 16, 2004

**COMPLAINT ISSUES:**

Whether the Mt. Vernon Community School Corporation and the Hancock-South Madison Joint Services violated:

511 IAC 7-25-4(b) by failing, on a systemic basis, to conduct the initial educational evaluations and convene case conference committee (CCC) meetings within sixty instructional days of the dates that written parental consents were received by certified personnel.

**FINDINGS OF FACT:**

1. The Student has been identified as other health impaired (OHI) and determined eligible for special education and related services.
2. The Complainant (parent) signed the consent for an educational evaluation and delivered it to certified school personnel on January 19, 2004. The referral for testing was received in the special education planning district office on February 12, 2004. The School acknowledges that there was an approximate three-week delay in getting the referral to the planning district office. The evaluation was completed on May 10, 2004. The CCC convened on September 14, 2004, well past the sixty instructional day allowed period of time.
3. With regard to similarly situated students in the Student's local school district, there were a total of 89 initial referrals received by the planning district between September 2003 and September 2004. The School acknowledges that there are 34 initial educational evaluations that were not conducted in compliance with the timeline of 511 IAC 7-25-4(b).
4. The Special Education Director states that, in reviewing the overall time-line for achieving compliance with 511 IAC 7-25-4(b), significant delays are occurring primarily at the school building level, especially in the secondary schools. According to the Director, the problem is twofold: (1) school building staff are not reacting in a timely manner to requests for testing, and (2) schools may not be utilizing appropriate general education intervention (GEI) procedures and exhausting general education support options before school-initiated referrals of great numbers of students for educational evaluations. The Director has described in detail many voluntary steps to correct the situation, such as replacing a part-time school psychologist with a full-time psychologist hired for the 2004-2005 school year. However, no documentation was provided to indicate whether and to what extent voluntary corrective action has been achieved.

## **CONCLUSIONS:**

Findings of Fact #2 through #4 show the School failed, both with respect to the Student and similarly situated students, to conduct initial educational evaluations and convene CCC meetings within sixty instructional days of the dates that written parental consents were received by certified personnel. Therefore, a violation of 511 IAC 7-25-4(b) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

## **CORRECTIVE ACTION:**

The Mt. Vernon Community School Corporation and the Hancock-South Madison Joint Services shall:

1. Send a written memorandum to all relevant school personnel regarding the requirements as described in 511 IAC 7-25-4. A copy of the memorandum and a list of all who received it shall be sent to the Division no later than November 19, 2004.
2. Provide a school building specific in-service to all relevant school personnel at the Student's home school with an agenda that includes, but is not limited to, the following items:
  - (a) the School's accountability for ensuring compliance with 511 IAC 7-25-4;
  - (b) review/revise and/or develop school building level written policies and procedures for facilitating the process regarding initial special education evaluations;
  - (c) review and/or revise written policies and procedures for making better use of the GEI process and develop a method of documenting general education interventions consistent with 511 IAC 7-25-4; and
  - (d) instruct school personnel that GEI shall not be a prerequisite to an educational evaluation if the parent requests an evaluation or makes a referral.

A copy of the in-service agenda, notes, handouts, materials, and the attendance sheet shall be sent to the Division no later than November 19, 2004.

3. Submit documentation showing other efforts to provide voluntary corrective action regarding this matter, particularly documentation showing that a full-time school psychologist has been hired for the 2004-2005 school-year. This documentation shall be sent to the Division no later than November 19, 2004.